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Message Text

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11
ACTION EB-11

INFO OCT-01 IO-13 FTC-01 L-03 XMB-07 OPIC-12 AF-10 ARA-16

EA-11 EUR-25 NEA-10 RSC-01 RSR-01 ADP-00 OMB-01

TAR-02 AGR-20 AID-20 CIAE-00 COME-00 INR-10 LAB-06

NSAE-00 OIC-04 SIL-01 STR-08 TRSE-00 CIEP-02 CEA-02

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LIMITED OFFICIAL USE SECTION 1 OF 2 GENEVA 4442

E.O. 11652: N/A
TAGS: ETRD, UNCTAD
SUBJECT: UNCTAD: RESTRICTIVE BUSINESS PRACTICES

REF: GENEVA 4372; STATE 162552; STATE 161635

BEGIN SUMMARY: SIXTH SESSION OF COMMITTEE ON MANUFACTURES REACHED AGREEMENT WITH GROUP OF 77 (DEVELOPING) COUNTRIES ON PROCEDURAL CONCLUSION TO CONVENE MEETING OF GROUP OF EXPERTS IN 1974 AFTER ADEQUATE PREPARATION WITH SAME TERMS OF REFERENCE AS PREVIOUS GROUP. GROUP B COORDINATOR SUCESSFULLY FINESSED DIFFERENCES WITH GROUP B THUS AVOIDING PROTRACTED NEGOTIATIONS ON INDIVIDUAL RECOMMENDATIONS IN REPORT OF EXPERT GROUP. TEXT OF CONCLUSION CONTAINED IN PARA 4 BELOW. END SUMMARY.

1. DEBATE IN PLENARY ON REPORT OF EXPERT GROUP ON RESTRICTIVE BUSINESS PRACTICES (RBP) NOTABLE FOR BUSINESS-
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LIKE TONE AND SMALL NUMBER OF DEVELOPING COUNTRIES

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

(BRAZIL, ARGENTINA, URUGUAY) WHICH SPOKE. CHILE DID
NOT RPT NOT INTERVENE ON RBP AGENDA ITEM BUT CONFINED
ITSELF TO REMARKS MADE IN GENERAL DEBATE (GENEVA 4308).
MAJOR STATEMENT ON BEHALF OF GROUP OF 77 WAS MADE BY
EGYPT. SPOKESMAN SUGGESTED THAT COMMITTEE ENDORSE
ALL RECOMMENDATIONS OF REPORT OF EXPERTS INCLUDING ALL
REQUESTS FOR FURTHER STUDIES. SOCIALIST COUNTRIES MADE
USUAL COMMENTS ABOUT NEED CONTROL MONOPOLIES AND NEGATIVE
EFFECTS OF MULTINATIONAL CORPORATIONS. WHILE AGREEING
THAT FURTHER WORK SHOULD BE MORE EMPIRICAL AND FOCUSED,
GROUP B (DEVELOPED) COUNTRIES DIVIDED ON SPECIFIC CON-
CLUSIONS AND RECOMMENDATIONS OF REPORT.
SCANS, DUTCH, AUSTRALIANS AND TO LESSER EXTENT
CANADIANS SAID THEY READY AGREE STUDY GUIDELINES AND COM-
PLAINT BUREAU. SWITZERLAND, GERMANY, US, UK AND JAPAN
WERE OPPOSED. PRIVATELY JAPANESE VERY UNHAPPY WITH WAY
SECRETARIAT TRIED FORCE DRAFT REPORT ON EXPERTS AND UK
DOUBTED WISDOM OF EXPERT GROUP APPROACH PARTICULARLY WHEN
RESULTS ARE AS ACADEMIC AS PRESENT REPORT. US DEL
CAREFULLY AVOIDED ENDORSING RECOMMENDATIONS IN REPORT,
NOTED EXPERTS THEMSELVES SAW CONCLUSIONS AND RECOMMEN-
DATIONS AS TENTATIVE, AND CLARIFIED US POSITION ON
FURTHER WORK INCLUDING OPPOSITION TO STUDY OF COMPLAINT
BUREAU.

2. LENGTHY DRAFT RESOLUTION OF DEVELOPING COUNTRIES
(TD/B/C.2/L.61) WAS RESULT OF DIFFICULT NEGOTIATIONS
IN GROUP OF 77. CHIEF ARCHITECTS WERE CHILE AND EGYPT.
CHILE PRESSED FOR PARAS ON MULTINATIONAL CORPORATIONS
WHILE EGYPT (WHICH HAD EXPERT ON GROUP) PRESSED FOR
ENDORSEMENT OF ALL CONCLUSIONS AND RECOMMENDATIONS IN
REPORT OF EXPERTS.

3. WHILE AGREEING ON INITIAL POSITION THAT DRAFT RESOLUTION
NOT NEGOTIABLE (GENEVA 4372), GROUP B WAS BADLY SPLIT ON
ELEMENTS FOR FUTURE WORK (SUCH AS SUPPORT OF STUDY ON
GUIDELINES) THAT MIGHT GO INTO PROCEDURAL RESOLUTION.
AFTER TWO HOURS OF DEBATE, BELGIUM, GERMANY, AUSTRALIA,
SWITZERLAND AND US WENT INTO DISCUSSIONS WITH GROUP OF 77
IN SMALL DRAFTING GROUP WITHOUT A COMMON GROUP B POSITION.
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PAGE 03 GENEVA 04442 01 OF 02 201038Z

GROUP B COORDINATOR (POSWICK, BELGIUM) SKILLFULLY AVOIDED
DISCUSSION OF SPECIFIC DEMANDS OF GROUP OF 77. HE NOTED
TENTATIVE NATURE OF CONCLUSIONS AND RECOMMENDATION AND
SAID GOVERNMENTS NEEDED MORE TIME TO STUDY ISSUES.
SAID ONLY COMMON ELEMENT IN GROUP B WAS AGREEMENT TO
CONVENE ANOTHER GROUP OF EXPERTS USING PARA 5 OF
RES. 73 (III) AS TERMS OF REFERENCE. EGYPT AND CHILE
TRIED ON SEVERAL OCCASIONS TO DISCUSS SPECIFIC POINTS

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SUCH AS GUIDELINES BUT GROUP B NEGOTIATORS REFUSED.
FORTUNATELY AUSTRALIAN REP (WHO WAS IN POSITION AGREE TO
SUPPORT SOME OF DIFFICULT STUDIES) REMAINED SILENT AND
AFTER SEVERAL HOURS WE WERE ABLE OBTAIN AGREEMENT RESTRICTED
TO PROCEDURE. TEXT OF DRAFT RESOLUTION APPENDED TO REPORT.
WHILE IT PROVED UNNECESSARY, US DEL APPRECIATED HAVING
SUPPLEMENTARY GUIDANCE. ON SEVERAL OCCASIONS, NEGOTIATIONS
COULD HAVE TAKEN TURN WHERE SUCH GUIDANCE WOULD HAVE BEEN
VERY HELPFUL.

4. FOLLOWING IS TEXT OF SUMMARY OF CHAIRMAN WHICH IS INCLUDED
AS PARAS IN THE REPORT.

QUOTE

FOLLOWING INFORMAL DISCUSSIONS, IT HAS BEEN AGREED THAT:

1. THE SECRETARY-GENERAL OF UNCTAD SHOULD CONVENE
ANOTHER AD HOC GROUP OF EXPERTS ON RESTRICTIVE BUSINESS
PRACTICES CONSISTING OF AN ADEQUATE NUMBER OF GOVERNMENTAL
AND NON-GOVERNMENTAL EXPERTS TO BE NOMINATED BY THE
SECRETARY-GENERAL OF UNCTAD IN CONSULTATION WITH GOVERNMENTS
TO CARRY ON FURTHER THE WORK REQUESTED IN PARAGRAPH 5
OF RESOLUTION 73(III) AFTER ADEQUATE PREPARATION, AS
SOON AS POSSIBLE IN 1974. THE GROUP SHOULD TAKE NOTE
OF THE REPORT OF THE AD HOC GROUP OF EXPERTS CONTAINED
IN DOCUMENT TD/B/C.2/119 AND OF THE RELEVANT PARTS OF
THE REPORT OF THE SIXTH SESSION OF THE COMMITTEE ON
MANUFACTURES.

2. THE EXPERT GROUP WILL BE RESPONSIBLE TO THE
COMMITTEE ON MANUFACTURES TO WHICH IT SHALL SUBMIT
ITS REPORT.
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PAGE 04 GENEVA 04442 01 OF 02 201038Z

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PAGE 01 GENEVA 04442 02 OF 02 201040Z

16
ACTION EB-11

Declassified/Released US Department of State EO Systematic Review 30 JUN 2005

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LIMITED OFFICIAL USE SECTION 2 OF 2 GENEVA 4442

3. THE COMMITTEE TAKES NOTE OF RESOLUTION 1721 (LIII) OF THE ECONOMIC AND SOCIAL COUNCIL AT ITS FIFTY-THIRD SESSION OF "THE IMPACT OF MULTINATIONAL CORPORATIONS ON THE DEVELOPMENT PROCESS AND ON INTERNATIONAL RELATIONS," AND IN PARTICULAR PARAGRAPH 2 OF THAT RESOLUTION, REQUESTING "THAT THE STUDY GROUP APPOINTED BY THE SECRETARY-GENERAL BE INFORMED OF THE CONCLUSIONS OF THE AD HOC GROUP OF EXPERTS ON RESTRICTIVE BUSINESS PRACTICES..., AND THE COMMENTS ON THEM OF THE...COMMITTEE ON MANUFACTURES, SO THAT, AMONG THE VARIOUS ASPECTS OF THE PROBLEM, THE IMPORTANT ONE REFERRED TO THE AD HOC GROUP OF EXPERTS CAN BE TAKEN INTO ACCOUNT IN THE GLOBAL STUDY OF MULTINATIONAL CORPORATIONS..." IT REQUESTS THE SECRETARY-GENERAL OF UNCTAD TO INFORM THE STUDY GROUP OF THE WORK OF THE AD HOC GROUP OF EXPERTS ON RESTRICTIVE BUSINESS PRACTICES AND OF THE RELEVANT PARTS OF THE REPORTS OF THE SIXTH SESSION OF THE COMMITTEE ON MANUFACTURES.

4. SINCE IT WAS NOT POSSIBLE TO REACH AGREEMENT ON THE DRAFT RESOLUTION ON RESTRICTIVE BUSINESS PRACTICES,
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PAGE 02 GENEVA 04442 02 OF 02 201040Z

SUBMITTED BY THE REPRESENTATIVE OF PAKISTAN, ON BEHALF OF THE GROUP OF 77 MEMBERS OF THE COMMITTEE ON MANUFACTURES, THE COMMITTEE AGREED THAT THIS DRAFT RESOLUTION BE ANNEXED TO THE REPORT OF THECOMMITTEE. UNQUOTE.BASSIN

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EO Systematic Review
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